

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

MARK ALLEN	]	
Petitioner,	]	
	]	
v.	]	No. 3:10-0165
	]	Judge Trauger
TONY PARKER	]	
Respondent.	]	

O R D E R

On June 10, 2011, an order (Docket Entry No.76) was entered dismissing the instant § 2254 habeas corpus action.

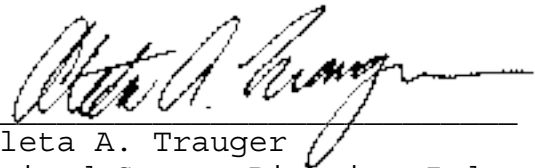
Since the entry of this order, the petitioner, through counsel, has filed a Notice of Appeal (Docket Entry No.79) and an application for a Certificate of Appealability (Docket Entry No.80).

Having carefully reviewed the record, the Court finds that the petitioner has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Specifically, the issue of whether the Blakely violation admitted to by the respondent was harmless is a question upon which reasonable jurists could differ.

Accordingly, petitioner's application for a Certificate of Appealability, to the extent that it relies upon the Blakely issue, is hereby GRANTED. The Clerk shall forward a copy of this order to

the Clerk of the Court of Appeals.

It is so ORDERED.

A handwritten signature in black ink, appearing to read 'Aleta A. Trauger', written over a horizontal line.

Aleta A. Trauger  
United States District Judge